

Planning Board Meeting Minutes
March 19, 2015

Attendance: Chairman Jeff Feenstra, John Hayden, Mike Price, Dave Edgerly, Selectman's Representative Jamie Thompson and Town Planner Clay Mitchell. Absent from the meeting was Mike Todd and Bill Meserve

Chairman Feenstra called the meeting to order at 7pm.

Preliminary Discussion-Brian McElwee Easy Backgrounds

Brian McElwee owner of Easy Backgrounds at 10 Main Street would like to expand his business and put on an addition. The building is a condo unit with one half owned by Tenmain Office Management and the other by Squamscott Property Management. Brian intends to turn the existing residential space to office space and put on an L-shaped addition with a residential unit upstairs. There is ample parking with 19 existing spaces. Brian would like to remain in town as his business grows. He is looking for input from the Board.

Brian added that the lot is a pre-existing non-conforming property. The residence would be relocated above the addition and would be about 600 square feet which is less than the existing residence. The septic system would need to be upgraded.

Mike Price clarified that Brian wished to expand his business into Bill Davis' unit and add on an addition of about 1,200 square feet with a residence upstairs.

Brian said the new use would be more conforming.

Clay commented that the parking spaces are within the setback. Brian is looking for validation that the new addition with a residence above is a continuation of the existing use.

John said originally the setback area was an access easement to provide access to the post office site. The language of the easement was changed to make it a parking easement.

Dave didn't see a problem with the change providing the square footage of the residence remains the same or less.

One Home Builders-2-lot Subdivision and Conditional Use Permit-Map 205 Lot 1-103 Piscassic Rd.

Attorney Kathryn Morin representing One Home Builders was present. She said this is the applicant's third meeting before the Board. At the last meeting there were two areas of concern raised by an abutter with regard to the conditional use permit; placing the shared drive within a buffer area and the definition of economic advantage. Town Counsel was consulted and agreed with Attorney Morin's interpretation of the Newfields Zoning Ordinances regarding placing the drive in the buffer versus the wetland (which is less intrusive on the wetlands) and on the definition of economic gain or advantage. In her opinion, the issues have been resolved.

Attorney Morin addressed the concerns of the Conservation Commission in a letter dated February 17, 2015 and sent to the Planning Board.

The Conservation Commission is interested in the protection of the wetlands. Attorney Morin said the intent of the conditional use permit is to protect wetlands.

The Conservation Commission was concerned with setting a precedent and eluded that granting the conditional use permit may allow for unwanted development in the future. This circumstance is why the by-law was created. The drive will be located on an existing 100 year old tote road which has been maintained (but not documented) and the location is the least intrusive.

Lastly, there was concern that the planning board ruled against allowing an expansion of a driveway into the wetland buffer at 18 Finn Ave. Attorney Morin stated that the owners of 18 Finn cut down trees in the wetlands without prior approval or authorization. They cut the trees and asked for permission afterward. They applied for a dredge and fill permit and it was denied. The circumstances of the case are different. The applicant is asking for permission by way of the conditional use permit.

There was concern raised about potential for salt runoff flowing into the wetlands. Attorney Morin suggested deed restrictions which restrict salt for de-icing purposes. This is an additional measure the developer is willing to take to further protect the wetlands.

Chairman Feenstra stated the Board must agree with Town Counsel's opinion. Mike Price agreed.

Steve Shope asked if there was sufficient space to build houses on the front of the lots along Piscassic Rd. Christian Smith from Beals Associates said the wetlands prevent building at the front of the lot. There are no suitable soils to support a septic and well.

Christian added that driveway swale is another option to help with salt runoff and protecting the wetlands. It is simplistic and maintenance free.

The conditional use permit was voted on. A motion was made by John and seconded by Jeff to grant the conditional use permit. All were in favor and the motion carried.

John made a motion to approve the plan with the two following conditions:

Language be added to the plan for the construction of the driveway and the shared access.

The motion was seconded by Dave and all were in favor. The motion carried.

A motion was made by John and seconded by Jamie to allow the Chairman to sign the mylar outside of a regularly scheduled meeting. All were in favor and the motion carried.

Keith and Diana Rowe-2 lot subdivision and conditional use permit-Map 214 Lot 26.2

Chris Albert from Jones and Beach Engineering, representing Keith Rowe was present. He explained that test pits were done and failed. The applicant went to the ZBA and was granted relief from Section 10.2.2.2.1a; the requirement to have a 4k reserve area and Section 10.2.2.2.2b the requirement to have 2 feet of suitable soils for a septic system.

A yield plan for a conservation subdivision was distributed to the Board for review. The applicant proposes to create one new lot. There is a 150 foot front buffer for the roadway and a 50 foot side buffer from the property line. The parcel acreage is 10.8 acres and 8.3 acres will remain as open space. 50% of the land is uplands and the other half is wetlands. The applicant is providing more open space than the 5.4 acres required for this conservation subdivision.

The applicant would like to relocate the driveway. The State Dot Permit and the State Subdivision approval have not been applied for yet.

Jeff asked about the buildable area shown on the plan. Chris said the area is approximately 70 x 80 feet and will include the house and the septic system.

John Hayden asked about the requirement in 10.2.2.2.4d with regard to buildings being placed on soil which has a seasonal high water table at or within 18 inches of the natural ground surface. Chris explained that the seasonal high water table is about 10 inches. The foundation of the home will need to be 3 to 4 feet above the ground.

Chris added that the remainder of Section 10.2.2.2.4d states, "The footings of any building shall be designed and constructed so that the bottom of the footing is lower than the seasonal high water table. The requirement may be waived if a system of footing drainage using gravity is designed".

The applicant intends on installing footing drains at ground level; there will be no need for him to return to the ZBA for a variance.

Clay stated the application is complete and ready for acceptance. There should be notations added to the plan with regard to the variances granted in November 2014.

A motion was made by Mike Price and seconded by John to accept jurisdiction of the plan. All were in favor and the motion carried.

Kent Lawrence Chairman of the ZBA commented that none of the wetlands had been delineated when the applicant was before his board. The buildable area appears to be within the setbacks. A concern that stands out to Kent is Section 11.6.2 regarding the 100 year floodplain and floodways which are defined as unbuildable land for purposes of the density formula.

Chris responded that the flood zone is depicted on the plan but not the floodways.

Mike Price commented that building is not allowed in the 4k reserve area. Chris stated the footprint for the septic system will be located in part of the 150 foot buffer zone and the 70 x 80 footprint of the buildable area. The leach field is approximately 100 square feet with the Enviro-Septic System that will be installed. DES requires an approved septic plan.

Kent said buildable land is not defined by the flexibility of a septic system. Flood plains and setbacks need to be looked at.

Clay added the delineation of the proposed driveway easement location and recorded agreement need to be added to the plan.

A motion was made by John and seconded by Mike Price to continue the hearing until next month. All were in favor and the motion carried.

Clay will assist the applicant with the narrative for the conditional use permit and the applicant will begin the process of applying for state permits.

A motion was made by Jamie and seconded by Jeff to approve the February minutes. All were in favor and the motion carried.

A motion made by John and seconded by Jamie to re-appoint Mike Todd and Mike Price to the Planning Board with a term ending March 2018. All were in favor and the motion carried.

Scott Wachsmuth informed the board that he is interested in serving on the Planning Board.

Clay stated the updated zoning ordinances for 2015 are completed and will be posted on the website soon.

The meeting adjourned at 8pm.

Respectfully submitted,

Sue McKinnon